

OFFICE OF LEGISLATIVE LEGAL SERVICES

COLORADO GENERAL ASSEMBLY

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Statutory Revision Committee (SRC)

Tuesday, October 8, 2019

State Capitol, 9:00 AM, HCR 107

Updates from SRC staff

Discussion of memos and bill drafts

1. Out-of-network provider reimbursement rate
Drafter: Kristen Forrestal / LLS 20-0124
2. Align emergency medical service provider statutes
Drafter: Jennifer Berman / LLS 20-0276
3. Modification of notice requirements for manufacturers of PFAS
Drafter: Pierce Lively / LLS 20-0313
4. Align state financial aid statutes with current practice
Drafter: Julie Pelegrin / Memo only
5. Clarify double electrical inspection fees
Drafter: Tom Morris / LLS 20-0415
6. Bills approved but not introduced in the 2019 legislative session
Drafter: Kristen Forrestal
 - a. Change SRC annual report date / *LLS 20-0121*
 - b. Mandatory contents of hospital licenses / *LLS 20-0122*
 - c. Conforming amendments re: transfer of youth services statutes from DPS to CDPHE / *LLS 20-0123*

Any other business or public testimony

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MEMORANDUM¹

TO: Statutory Revision Committee

FROM: Kristen Forrestal, Office of Legislative Legal Services

DATE: October 1, 2019

SUBJECT: Correction to H.B. 19-1174, concerning the reimbursement rate for out-of-network health care provider services

Summary

[H.B. 19-1174](#), which takes effect January 1, 2020, requires health insurance carriers to reimburse health care providers for services provided to covered persons at an in-network facility by an out-of-network health care provider at a rate specified in statute. The reimbursement rate is correctly stated in two sections of the act, but is incorrectly stated in one section, specifically section 24-30-113, C.R.S.

The error was discovered by the Office of Legislative Legal Services after the bill was passed by the General Assembly in the 2019 legislative session.

Analysis

Section 10-16-704 (3)(d)(I), C.R.S., of the act requires health insurance carriers to reimburse providers for services provided to covered persons at an in-network facility by an out-of-network health care provider at a rate that is the greater of: 1) 110% of the carrier's median in-network rate of reimbursement for that service in the same geographic area; or 2) the 60th percentile of the in-network rate of reimbursement for the same service in the

¹ This legal memorandum was prepared by the Office of Legislative Legal Services (OLLS) in the course of its statutory duty to provide staff assistance to the Statutory Revision Committee (SRC). It does not represent an official legal position of the OLLS, SRC, General Assembly, or the state of Colorado, and is not binding on the members of the SRC. This memorandum is intended for use in the legislative process and as information to assist the SRC in the performance of its legislative duties.

same geographic area for the prior year based on commercial claims data from the all-payer health claims database. This reimbursement rate is stated correctly in section 10-16-704 (3)(d), C.R.S., and in section 24-34-114 (4)(a), C.R.S., of the act. However, section 12-30-113 (4), C.R.S., states that the reimbursement rate is the greater of: 1) 105% of the median rate; or 2) the median in-network rate of reimbursement.

The reimbursement rate in all three sections was intended to be identical, and in the case of sections 24-34-114 and 12-30-113, C.R.S., the sections were intended to be identical because only one section could pass and become law, depending on the passage of HB19-1172. *(See relevant language below. Section 24-34-114, C.R.S., is shown below in small caps because this section did not become law because H.B. 19-1172, the title 12 recodification bill, passed.)*

10-16-704. Network adequacy - rules - legislative declaration - definitions. (3) (d)(I) If a covered person receives covered services at an in-network facility from an out-of-network provider, the carrier shall pay the out-of-network provider directly and in accordance with this subsection (3)(d). At the time of the disposition of the claim, the carrier shall advise the out-of-network provider and the covered person of any required coinsurance, deductible, or copayment.

(II) When the requirements of subsection (3)(b) of this section apply, the carrier shall reimburse the out-of-network provider directly in accordance with section 10-16-106.5 the greater of:

(A) **One hundred ten percent** of the carrier's median in-network rate of reimbursement for that service in the same geographic area; or

(B) **The sixtieth percentile of the in-network rate of reimbursement for the same service in the same geographic area** for the prior year based on commercial claims data from the all-payer health claims database created in section 25.5-1-204.

24-34-114. Out-of-network health care providers - out-of-network services - billing – payment. (4) IN ACCORDANCE WITH SUBSECTIONS (1) AND (2) OF THIS SECTION:

(a) AN OUT-OF-NETWORK HEALTH CARE PROVIDER MUST SEND A CLAIM FOR A COVERED SERVICE TO THE CARRIER WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE RECEIPT OF INSURANCE INFORMATION IN ORDER TO RECEIVE REIMBURSEMENT AS SPECIFIED IN THIS SUBSECTION (4)(a). THE REIMBURSEMENT RATE IS THE GREATER OF:

(I) **ONE HUNDRED TEN PERCENT** OF THE CARRIER'S MEDIAN IN-NETWORK RATE OF REIMBURSEMENT FOR THAT SERVICE PROVIDED IN THE SAME GEOGRAPHIC AREA; OR

(II) **THE SIXTIETH PERCENTILE OF THE IN-NETWORK RATE OF REIMBURSEMENT FOR THE SAME SERVICE IN THE SAME GEOGRAPHIC AREA** FOR

THE PRIOR YEAR BASED ON COMMERCIAL CLAIMS DATA FROM THE ALL-PAYER HEALTH CLAIMS DATABASE CREATED IN SECTION 25.5-1-204.

12-30-113. Out-of-network health care providers - out-of-network services - billing - payment. (4) (a) An out-of-network health care provider must send a claim for a covered service to the carrier within one hundred eighty days after the receipt of insurance information in order to receive reimbursement as specified in this subsection (4)(a). The reimbursement rate is the greater of:

(I) **One hundred five percent** of the carrier's median in-network rate of reimbursement for that service provided in the same geographic area; or

(II) **The median in-network rate of reimbursement for the same service in the same geographic area** for the prior year based on claims data from the all-payer health claims database created in section 25.5-1-204.

The incorrect reimbursement rate in section 12-30-113 (4)(a), C.R.S., does not reflect the rate that carriers are required to reimburse providers pursuant to section 10-16-704 (3)(d), C.R.S. For this reason, section 12-30-113 (4)(a), C.R.S., needs to be corrected.

Statutory Charge²

Because section 12-30-113, C.R.S., reflects an error in the law that is contrary to the legislative intent of the 2019 General Assembly and is in conflict with other existing law, the proposed bill fits within the charge of the Statutory Revision Committee.

Proposed Bill

The attached bill corrects the error in H.B. 19-1174.

² The Statutory Revision Committee is charged with "[making] an ongoing examination of the statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms" and recommending "legislation annually to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory rules of law and to bring the law of this state into harmony with modern conditions." § 2-3-902 (1), C.R.S. In addition, the Committee "shall propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes." § 2-3-902 (3), C.R.S.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

DRAFT
9.18.19

DRAFT

LLS NO. 20-0124.01 Kristen Forrestal x4217

COMMITTEE BILL

Statutory Revision Committee

BILL TOPIC: "Out-of-network Provider Reimbursement Rate"

A BILL FOR AN ACT

101 **CONCERNING A CORRECTION TO THE RATE OF REIMBURSEMENT THAT**
102 **AN OUT-OF-NETWORK HEALTH CARE PROVIDER IS ENTITLED TO**
103 **RECEIVE FROM A HEALTH INSURANCE CARRIER FOR SERVICES**
104 **PROVIDED TO A COVERED PERSON AT AN IN-NETWORK FACILITY**
105 **WHEN THE HEALTH CARE PROVIDER SUBMITS A CLAIM TO THE**
106 **CARRIER WITHIN THE SPECIFIED TIME PERIOD TO CONFORM**
107 **WITH EXISTING LAW.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

Statutory Revision Committee. House Bill 19-1174, enacted January 1, 2020, requires a health insurance carrier to reimburse an out-of-network health care provider who provides emergency services or covered nonemergency services to a covered person at an in-network facility the greater of:

- 110% of the carrier's median in-network rate of reimbursement; or
- The sixtieth percentile of the in-network rate of reimbursement for the same service in the same geographic area for the prior year based on claims from the all-payer claims database.

The bill corrects a conforming amendment that was made in House Bill 19-1174 that inaccurately stated the reimbursement rate.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** The general assembly
3 declares that the purpose of this act is to correct errors in a statutory
4 provision relating to the Colorado division of insurance in the department
5 of regulatory agencies. The general assembly further declares that
6 amending these statutory provisions does not alter the scope or
7 applicability of the remaining statutes.

8 **SECTION 2.** In Colorado Revised Statutes, 12-30-113, **amend**
9 (4)(a) as follows:

10 **12-30-113. Out-of-network health care providers -**
11 **out-of-network services - billing - payment.** (4) (a) An out-of-network
12 health care provider must send a claim for a covered service to the carrier
13 within one hundred eighty days after the receipt of insurance information
14 in order to receive reimbursement as specified in this subsection (4)(a).
15 The reimbursement rate is the greater of:

16 (I) One hundred ~~five~~ TEN percent of the carrier's median
17 in-network rate of reimbursement for that service provided in the same

1 geographic area; or

2 (II) The ~~median~~ SIXTIETH PERCENTILE OF THE in-network rate of
3 reimbursement for the same service in the same geographic area for the
4 prior year based on claims data from the all-payer health claims database
5 ~~created~~ DESCRIBED in section 25.5-1-204.

6 **SECTION 3. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, or safety.

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MEMORANDUM¹

TO: Statutory Revision Committee

FROM: Jennifer Berman, Office of Legislative Legal Services

DATE: October 1, 2019

SUBJECT: Emergency medical service providers

Summary

In 2019, the General Assembly enacted [S.B. 19-242](#), authorizing a certified emergency medical service (EMS) provider to seek licensure. The bill contained numerous conforming amendments to add references to licensed EMS providers where there were references to certified EMS providers and certificate holders in statute; however, references to licensed EMS providers were not added to [S.B. 19-065](#), also enacted in 2019, which bill created a peer health assistance program for EMS providers.

Section 25-3.5-208, C.R.S., in which the peer health assistance program was codified, should be amended to align with S.B. 19-242.

This issue was brought to staff's attention during staff's review of title 25, C.R.S., during the publication process.

Analysis

In 2019, S.B. 19-242 was enacted to authorize a certified emergency medical service (EMS) provider to seek licensure if the provider demonstrates to the department of public health and environment that the provider has sufficient educational credentials

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for licensure. The bill included numerous conforming amendments to add references to licensed EMS providers where certified EMS providers was referenced in statute.

Also in 2019, S.B. 19-065 was enacted to establish a peer health assistance program for EMS providers in section 25-3.5-208, C.R.S. References to certified EMS providers and certificate holders are used throughout that section; however, references to licensed EMS providers and licensees were not added. Section 25-3.5-208 should be amended to add references to licensed EMS providers and licensees to align S.B. 19-065 with S.B. 19-242.

Statutory Charge²

Because section 25-3.5-208, C.R.S., does not refer to licensed EMS providers or licensees, it does not conform to the updated regulatory scheme established in S.B. 19-242, which authorizes both certified and licensed EMS providers. To correct this defect in the law, section 25-3.5-208, C.R.S., should be amended to add references to licensed EMS providers and licensees to align with S.B. 19-242.

Proposed Bill

If the Statutory Revision Committee directs the Office of Legislative Legal Services to prepare a bill draft, we propose substantially the language contained in the accompanying bill draft.

² The Statutory Revision Committee is charged with "[making] an ongoing examination of the statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms" and recommending "legislation annually to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory rules of law and to bring the law of this state into harmony with modern conditions." § 2-3-902 (1), C.R.S. In addition, the Committee "shall propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes." § 2-3-902 (3), C.R.S.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

DRAFT
9.11.19

DRAFT

LLS NO. 20-0276.01 Jennifer Berman x3286

COMMITTEE BILL

Statutory Revision Committee

BILL TOPIC: "Align Emergency Medical Service Provider Statutes"

A BILL FOR AN ACT

101 **CONCERNING THE ADDITION OF REFERENCES TO LICENSED**
102 **EMERGENCY MEDICAL SERVICE PROVIDERS IN THE EMERGENCY**
103 **MEDICAL SERVICE PROVIDERS' PEER HEALTH ASSISTANCE**
104 **PROGRAM STATUTE TO ALIGN THE STATUTE WITH LEGISLATION**
105 **ENACTED IN 2019 THAT AUTHORIZED CERTIFIED EMERGENCY**
106 **MEDICAL SERVICE PROVIDERS TO SEEK LICENSURE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Statutory Revision Committee. In 2019, Senate Bill 19-242 was

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Dashes through the words indicate deletions from existing statute.*

enacted to authorize a certified emergency medical service (EMS) provider to seek licensure if the provider demonstrates to the department of public health and environment that the provider has sufficient educational credentials for licensure. Numerous conforming amendments in the bill added references to licensed EMS providers where certified EMS providers were referenced in statute.

Also in 2019, Senate Bill 19-065 was enacted to establish a peer health assistance program for EMS providers. The bill amends the statute created in Senate Bill 19-065 by adding references to licensed EMS providers and licensees to align Senate Bill 19-065 with Senate Bill 19-242.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** The general assembly
3 hereby finds and declares that the purpose of this act is to clarify statutory
4 provisions relating to the licensing of emergency medical service
5 providers. The general assembly further declares that clarifying these
6 statutory provisions does not alter the scope or applicability of the
7 remaining statutes.

8 **SECTION 2.** In Colorado Revised Statutes, 25-3.5-208, **amend**
9 (1) introductory portion, (4)(g), (7)(a) introductory portion, (7)(b), (8),
10 and (9) as follows:

11 **25-3.5-208. Emergency medical service providers' peer health**
12 **assistance program - fund - rules.** (1) As a condition of initial
13 certification, LICENSURE, and certification OR LICENSURE renewal, every
14 applicant shall pay to the department, at the time of application, two
15 dollars and fifty-five cents. This amount may be adjusted on January 1,
16 2021, and annually thereafter by the board to reflect:

17 (4) The department shall select one or more peer health assistance
18 programs as designated providers. To be eligible for designation by the
19 department, a peer health assistance program must:

1 (g) Agree to make services available to all certified AND LICENSED
2 emergency medical service providers.

3 (7) (a) Any certificate holder OR LICENSEE who does not have
4 access to an employee assistance program may apply to the department
5 for participation in a qualified peer health assistance program. In order to
6 be eligible for participation, a certificate holder OR LICENSEE shall:

7 (b) (I) Any certificate holder OR LICENSEE may self-refer to the
8 qualified peer health assistance program selected by the department. If a
9 certificate holder OR LICENSEE who self-refers in accordance with this
10 subsection (7)(b) has access to an employee assistance program, the
11 certificate holder OR LICENSEE shall cover the cost of the program.

12 (II) A certificate holder OR LICENSEE who self-refers and is
13 accepted into a qualified peer health assistance program shall affirm that,
14 to the best of their knowledge, information, and belief, they know of no
15 instance in which they have violated this article 3.5 or the rules of the
16 board, except in instances affected by the certificate holder's OR
17 LICENSEE'S physical, psychological, or emotional condition.

18 (8) All documents, records, or reports generated in the provision
19 of services to a certificate holder OR LICENSEE who is attending a
20 qualified peer health assistance program are confidential and not subject
21 to subpoena and shall not be used as evidence in any proceeding other
22 than disciplinary action by the department. The documents, records, and
23 reports are not public records for purposes of section 24-72-203.

24 (9) Notwithstanding the provisions of this section, the department
25 may summarily suspend the certification of any certificate holder OR THE
26 LICENSE OF ANY LICENSEE who is referred to a peer health assistance
27 program by the department and who fails to attend or to complete the

1 program. If a certificate holder OR LICENSEE objects to the suspension, the
2 certificate holder OR LICENSEE may submit a written request to the
3 department for the formal hearing on the suspension within two days after
4 receiving notice of the suspension and the department shall grant the
5 request. In the hearing, the certificate holder OR LICENSEE shall have the
6 burden of proving that the certificate holder's certification OR LICENSEE'S
7 LICENSE should not be suspended. The hearing shall be conducted in
8 accordance with section 24-4-105.

9 **SECTION 3. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly (August
12 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
13 referendum petition is filed pursuant to section 1 (3) of article V of the
14 state constitution against this act or an item, section, or part of this act
15 within such period, then the act, item, section, or part will not take effect
16 unless approved by the people at the general election to be held in
17 November 2020 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor. <{Would you
19 prefer a safety clause?}>

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MEMORANDUM¹

TO: Statutory Revision Committee

FROM: Pierce Lively, Office of Legislative Legal Services

DATE: October 1, 2019

SUBJECT: Defect in the notice requirement of section 25-5-1304, C.R.S.

Summary

Section 25-5-1304, C.R.S., requires manufacturers of class B firefighting foam that contains intentionally added polyfluoroalkyl substances (PFAS chemicals) to notify, in writing, sellers of their products about the state's new regulations of these products "no less than one year prior to the effective date of section 25-5-1303." Section 25-5-1303, C.R.S., was enacted as part of H.B. 19-1279, which had an effective date of August 2, 2019. Thus, section 25-5-1304, C.R.S., requires manufacturers to provide notice to sellers of their products no later than August 2, 2018. This is impossible because the notice requirements did not exist prior to August 2, 2019.

This issue came to the attention of the Office of Legislative Legal Services' staff during its annual prepublication review of the statutes in preparation for publication.

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Analysis

The reference to the effective date of section 25-5-1303, C.R.S., should be removed from section 25-5-1304, C.R.S.

Sections 25-5-1303 and 1304, C.R.S., read as follows, in relevant part:

25-5-1303. Restriction on sale of certain firefighting foams - exemptions.

(1) Beginning August 2, 2021, a manufacturer of class B firefighting foam may not knowingly sell, offer for sale, distribute for sale, or distribute for use in the state class B firefighting foam to which PFAS chemicals have been added.

25-5-1304. Notification requirement. A manufacturer of class B firefighting foam that contains intentionally added PFAS chemicals must notify, in writing, persons that sell the manufacturer's products in the state about the provisions of this part 13 no less than one year prior to the effective date of section 25-5-1303.

Both sections were enacted as part of H.B. 19-1279, which had an effective date of August 2, 2019.

Where section 25-5-1304, C.R.S., refers to the "effective date of section 25-5-1303," it does not refer to August 2, 2021; it refers to August 2, 2019, the effective date of H.B. 19-1279, which enacted section 25-5-1303, C.R.S. Thus, under section 25-5-1304, C.R.S., manufacturers are required to give notice no less than one year before August 2, 2019. Put differently, manufacturers are required to have given notice before the contents of that notice were determined.

Statutory Charge²

The Statutory Revision Committee is explicitly tasked with examining the statutes of the state "for the purpose of discovering defects and anachronisms in the law . . . and recommending needed reforms"; thus, amending section 25-5-1303, C.R.S., appears to

² The Statutory Revision Committee is charged with "[making] an ongoing examination of the statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms" and recommending "legislation annually to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory rules of law and to bring the law of this state into harmony with modern conditions." § 2-3-902 (1), C.R.S. In addition, the Committee "shall propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes." § 2-3-902 (3), C.R.S.

fall squarely within that prong of the Committee's charge because it will address a defect in the law.

Proposed Bill

The attached bill amends the language of section 25-5-1304, C.R.S., to require notice by a manufacturer no less than one year prior to August 2, 2021, one year before the applicability date of section 25-5-1303, C.R.S.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

DRAFT
9.30.19

DRAFT

LLS NO. 20-0313.01 Pierce Lively x2059

COMMITTEE BILL

Statutory Revision Committee

BILL TOPIC: "PFAS Mfr Notice Reqmnts"

A BILL FOR AN ACT

101 CONCERNING A MODIFICATION OF THE NOTICE REQUIREMENTS FOR
102 MANUFACTURERS OF PERFLUOROALKYL AND
103 POLYFLUOROALKYL SUBSTANCES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Statutory Revision Committee. House Bill 19-1279, enacted in 2019, requires manufacturers of class B firefighting foam that contains intentionally added polyfluoroalkyl substances to notify, in writing, sellers of their products about the state's new regulations of these products "no less than one year prior to the effective date of section 25-5-1303",

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

which is impossible because the notice requirements did not exist prior to the bill's effective date on August 2, 2019. The bill addresses this error by modifying the effective date of the required notice to one year prior to August 2, 2020.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. The general assembly declares that the purpose of this act, enacted in 2020, is to clarify the notice requirement of section 25-5-1304, Colorado Revised Statutes.

SECTION 2. In Colorado Revised Statutes, **amend** 25-5-1304 as follows:

25-5-1304. Notification requirement. A manufacturer of class B firefighting foam that contains intentionally added PFAS chemicals must notify, in writing, persons that sell the manufacturer's products in the state about the provisions of this part 13 ~~no less than one year~~ prior to ~~the effective date of section 25-5-1303~~ AUGUST 2, 2020.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

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MEMORANDUM¹

TO: Statutory Revision Committee

FROM: Julie Pelegrin, Office of Legislative Legal Services

DATE: October 1, 2019

SUBJECT: Concerning changes to align state financial aid statutes with current practice

Summary

The statutes concerning student financial aid – section 23-3.3-101, et seq., C.R.S., – were originally enacted in 1979, and although they have been amended over the years, they do not reflect the current practice of appropriating money for student financial aid programs by line item and are ambiguous as to the duties and authority that the Colorado Commission on Higher Education (Commission) and the Department of Higher Education (CDHE) currently exercise in allocating student financial aid money to institutions of higher education.

Parts 1, 2, 3, 4, and 5 of article 3.3 and article 3.5 of title 23, C.R.S., may be amended or repealed to provide an accurate description of the existing powers, duties, and practices regarding the student financial aid program and to remove obsolete statutes. Amending and repealing some of these statutes would result in streamlining and reducing the statutes.

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The Joint Budget Committee staff brought this issue to the attention of the Joint Budget Committee, which requested the OLLS to prepare a bill draft for the Statutory Revision Committee's consideration. In reviewing the requested changes, the OLLS believes the changes may require significant policy decisions by the General Assembly, which may place this bill beyond the Statutory Revision Committee's charge to "modify or eliminate antiquated, redundant, or contradictory rules of law and to bring the law of this state into harmony with modern conditions ...".²

It is the understanding of the OLLS staff that the Joint Budget Committee staff and staff from the CDHE have discussed these proposed changes and that the CDHE and the Commission do not support amending or repealing any portion of article 3.3 of title 23, C.R.S., or repealing article 3.5 of title 23, C.R.S.

Analysis

Under current law, part 1 of article 3.3 of title 23, C.R.S., generally authorizes the Commission to establish a program of financial assistance. Further, the statute requires the Commission to:

- Adopt guidelines for determining which institutions are eligible to participate in the program and annually allocate money to each institution;
- Provide information in its annual budget request for the proposed distribution of money among financial aid programs created in the remaining parts of article 3.3; and
- After the final appropriations, provide to the Joint Budget Committee a proposal for allocating the appropriations among the programs in the coming year.

Parts 3, 4, and 5 of article 3.3 of title 23, C.R.S., consistent with the language in part 1, direct the Commission, out of any money remaining after allocating money to financial aid for dependents of deceased or disabled prisoners of war, National Guard members, law enforcement officers, or firefighters, to allocate money first to the student loan matching program and next to work-study programs and scholarship and grant programs based on need and merit. The statutes do not define need-based or merit-based grants or programs.

In actual practice, the Joint Budget Committee appropriates money for financial aid to dependents of deceased or disabled prisoners of war, National Guard members, law

² § 2-3-902 (1)(d), C.R.S.

enforcement officers, or firefighters and for work-study, need-based, and merit-based financial aid programs by separate line items in the annual long bill. The Commission does not provide a proposal for allocations following the appropriation, and it does not itself decide how much of the total student financial aid appropriation is allocated to work-study programs or need-based or merit-based grants or programs.

In addition, the Commission has adopted policies:

- Limiting financial aid funding to only students who are Colorado residents;
- Limiting the eligibility of students for financial aid based on other factors;
- Setting goals for the various financial aid programs;
- Establishing procedures for determining residency and student need; and
- Establishing minimum administrative requirements for implementing the financial aid programs at institutions of higher education.

While section 23-3.3-102 (1), C.R.S., grants the Commission broad authority "to establish a program of financial assistance," it is arguably ambiguous as to whether the Commission's authority extends to adopting all of these policies. In addition, section 23-3.3-102 (3), C.R.S., directs each state institution and each private institution that participates in the financial aid programs to administer their programs according to policies and procedures established by their respective governing boards. The statute authorizes both the Commission and the institutional governing boards to establish policies and procedures for financial aid programs, but does not allocate the authority to address specific issues between the Commission and the institutions' governing boards.

Article 3.5 of title 23, C.R.S., concerning the Colorado student incentive grant program, was enacted two years before article 3.3 of title 23, C.R.S., and it appears to be completely redundant to article 3.3. Further, article 3.5 has not been funded in several years, because all of the student financial aid funding is appropriated pursuant to article 3.3 of title 23, C.R.S.

Statutory Charge³

The financial aid program statutes do not reflect actual practice in appropriating and allocating money for these programs, and they are ambiguous with regard to the

³ The Statutory Revision Committee is charged with "[making] an ongoing examination of the statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms" and recommending "legislation annually to effect such changes

allocation of authority to adopt policies and procedures concerning these programs. Clarifying the statutory appropriations process and distribution of regulatory authority to reflect what has been the practice of the Joint Budget Committee, the Commission, and the institutional governing boards for several years could be described as removing anachronisms from the law and correcting defects in the law, thereby falling within the Committee's charge. However, amending the statutes to clarify and assign responsibilities and duties with regard to financial aid programs would likely raise many policy considerations and decisions, which suggests a bill making these changes may not fit within the Committee's charge.

Proposed Bill

If approved by the Statutory Revision Committee, a bill to address the issues discussed in this memo would:

- Amend section 23-3.3-101, C.R.S., to add and clarify definitions;
- Repeal and reenact section 23-3.3-102, C.R.S., to specify the appropriations process for student financial aid programs and describe the regulatory authority of the Commission and institutional governing boards regarding student financial aid programs;
- Repeal parts 3 through 5 of article 3.3 and article 3.5 of title 23, C.R.S.; and
- Make necessary conforming amendments.

in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory rules of law and to bring the law of this state into harmony with modern conditions." § 2-3-902 (1), C.R.S. In addition, the Committee "shall propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes." § 2-3-902 (3), C.R.S.

ADDENDUM A

Part 1 of article 3.3 of Title 23, C.R.S.

23-3.3-101. Definitions. As used in this article 3.3, unless the context otherwise requires:

(1) "Commission" means the Colorado commission on higher education.

(1.5) "Cost of attendance at a nonpublic institution of higher education" means:

(a) Allowances specified by the commission for room and board and miscellaneous expenses, which shall be the same for nonpublic institutions of higher education as for a representative group of comparable state institutions, as determined by the commission; and

(b) An allowance for tuition and fees equal to the lesser of:

(I) The actual tuition and fees charged by the nonpublic institution of higher education; or

(II) One hundred percent of the combination of actual in-state tuition and fees charged by a representative group of comparable state institutions plus the general fund moneys allocated to support such comparable state institutions.

(2) "In-state student" means a student at an institution of higher education who meets the criteria established by article 7 of this title for classification as an in-state student at a state institution of higher education, but "in-state student" does not include a member of the armed forces of the United States or his dependents who are eligible to obtain in-state tuition status upon moving to Colorado on a permanent change-of-station basis until such individual meets the one-year domicile requirement of section 23-7-102 (5).

(3) "Institution" means an educational institution operating in this state that meets all of the following:

(a) Admits as regular students persons having a certification of graduation from a school providing secondary education or comparable qualifications and persons for enrollment in courses which they reasonably may be expected to complete successfully;

(b) Is accredited by a nationally recognized accrediting agency or association and, in the case of private occupational schools, holds a regular certificate in accordance with the provisions of article 64 of this title 23;

(c) (I) Provides an educational program for which it awards a bachelor's degree;

(II) Provides not less than a two-year program which is acceptable for full credit towards such a degree; or

(III) Provides not less than a six-month program of training to prepare students for gainful employment in a recognized occupation;

(d) Is not a branch program of an institution of higher education whose principal campus and facilities are located outside this state.

(3.5) "Nonpublic institution of higher education" shall have the same meaning as provided in section 23-3.7-102 (3).

(3.7) "Professional degree in theology" means a certificate signifying a person's graduation from a degree program that is:

(a) Devotional in nature or designed to induce religious faith; and

(b) Offered by an institution as preparation for a career in the clergy.

(4) "State institution" means an institution supported in whole or in part by general fund moneys.

(5) "Undergraduate" refers to any program leading toward a bachelor's degree or associate degree or any nondegree program providing training for employment in a recognized occupation.

23-3.3-102. Assistance program authorized - procedure - audits. (1) The general assembly hereby authorizes the commission to establish a program of financial assistance, to be operated during any school sessions, including summer sessions for students attending institutions.

(2) The commission shall determine, by guideline, the institutions eligible for participation in the program and shall annually determine the amount allocated to each institution.

(3) Each state institution shall administer a financial assistance program according to policies and procedures established by the governing board of the institution. Each private institution of higher education, as defined in section 23-18-102 (9), that participates in the program of financial assistance established pursuant to this section shall administer a financial assistance program according to policies and procedures established by the governing board of the institution. Each participating nonpublic institution that is not a private institution of higher education shall administer a financial assistance program according to policies and procedures established by the commission. Each institution shall fund its assistance program using state moneys allocated to the institution and institutional moneys.

(3.5) Notwithstanding any provision of this article to the contrary, each participating institution shall adopt policies and procedures to allow a person who meets the following criteria to qualify for financial assistance through the financial assistance programs established pursuant to this article:

(a) The person qualifies as an in-state student; and

(b) The person is enrolled at an institution that participates in the programs of financial assistance established pursuant to this article; and

(c) The person is enrolled in an approved program of preparation, as defined in section 22-60.5-102 (8), C.R.S., for principals.

(4) Program disbursements shall be handled by the institution subject to audit and review.

(5) Upon commencement of participation in the program, no participating institution shall decrease the amount of its own funds spent for student aid below the amount so spent prior to participation in the program.

(6) In determining the amount allocated to each institution that is not a state institution or a nonpublic institution of higher education, the commission shall consider only that portion of financial need which would have existed were the institution's tuition no greater than the highest in-state tuition rate charged by a comparable state institution. In determining the amount allocated to each nonpublic institution of higher education, the commission shall base its determination upon the cost of attendance at a nonpublic institution of higher education.

(7) Each annual budget request submitted by the commission shall provide information on the proposed distribution of moneys among the programs developed under this article. Subsequent to final appropriation, the commission shall provide to the

joint budget committee an allocation proposal specifically identifying the distributions among programs for the coming year. Expenditures in any program shall not exceed the allocation for that program by more than ten percent of such allocation, and the total appropriation for all student aid programs shall not be exceeded. The commission may require such reports from institutions as are necessary to fulfill the reporting requirements of this subsection (7) and to perform other administrative tasks.

(8) The state auditor or his or her designee shall audit, in accordance with state statute and federal guidelines, the program at any participating institution every other year to review residency determinations, needs analyses, awards, payment procedures, and such other practices as may be necessary to ensure that the program is being properly administered, but the audit shall be limited to the administration of the program at the participating institution. The state auditor may accept an audit of the program from an institution that is not a state institution from such institution's independent auditor. The cost of conducting audits of the program at an institution that is not a state institution shall be borne by such institution.

(9) Repealed.

Part 3 of Article 3.3 of Title 23, C.R.S.

23-3.3-301. Student loan matching program - funding. Out of any moneys provided for the financial assistance program authorized by section 23-3.3-102 and remaining after meeting the requirements of part 2 of this article, the commission shall provide the matching funds required for federal allocations to institutions for student loan programs.

Part 4 of Article 3.3 of Title 23, C.R.S.

23-3.3-401. Work-study program established - requirements. (1) The commission shall use a portion of any moneys remaining after meeting the requirements of parts 2 and 3 of this article to provide a work-study program of employment of qualifying students in good standing with the institution in which they are enrolled in positions that are directly under the control of the institution in which the student is enrolled or in positions with nonprofit organizations, governmental agencies, or for-profit organizations with which the institution may execute student employment contracts.

(2) Any in-state student who is enrolled or accepted for enrollment at an institution as an undergraduate may qualify for participation in the work-study program established pursuant to this section.

(3) Funds appropriated to the commission may also be used by the commission in conjunction with and to supplement funds for current job opportunities or to supplement or match funds made available through any other public or private program for financial assistance. A sum not to exceed thirty percent of the funds allocated by the commission for the work-study program may be used to provide funding on a basis other than financial need. A sum of not less than seventy percent of such money shall be used for students demonstrating financial need.

Part 5 of Article 3.3 of Title 23, C.R.S.

23-3.3-501. Scholarship and grant program - funding. The commission shall use a portion of any moneys remaining after meeting the requirements of parts 2 and 3 of this article to provide other programs of financial assistance based upon financial need, merit, talent, or other criteria established by the commission for students enrolled at institutions.

Article 3.5 of Title 23, C.R.S.

23-3.5-101. Legislative declaration. The general assembly hereby declares that it is the policy of this state, within appropriations available for such purpose, to provide assistance to Colorado in-state students attending institutions of higher education, by utilizing federal and other moneys available for such purpose.

23-3.5-102. Definitions. As used in this article 3.5, unless the context otherwise requires:

(1) "Commission" means the Colorado commission on higher education.

(2) "In-state student" means an undergraduate student at an institution of higher education who meets the criteria established by article 7 of this title for classification as an in-state student at a state institution of higher education, but "in-state student" does not include a member of the armed forces of the United States or his dependents who are eligible to obtain in-state tuition status upon moving to Colorado on a permanent change-of-station basis until such individual meets the one-year domicile requirement of section 23-7-102 (5).

(3) (a) "Institution of higher education" means an educational institution operating in this state that:

(I) Admits as regular students only persons having a certification of graduation from a school providing secondary education or the recognized equivalent of such a certificate;

(II) Is accredited by a nationally recognized accrediting agency or association and, in the case of private occupational schools, holds a regular certificate from the private occupational school division in accordance with the provisions of article 64 of this title 23, or is regulated or approved pursuant to any other statute;

(III) (A) Provides an educational program for which it awards a bachelor's degree; or

(B) Provides not less than a two-year program which is acceptable for full credit towards such a degree; or

(C) Provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation; or

(D) Is a private occupational school providing not less than a six-month program of training to prepare students for gainful employment in a recognized occupation;

(IV) Was in operation in this state as of January 1, 1999, or has been in operation in this state for a minimum of ten academic years.

(b) The term "institution of higher education" does not include a branch program of an institution of higher education whose principal campus and facilities are located outside this state, unless the institution operating the branch program has received a certificate of approval from the private occupational school division in accordance with the provisions of article 64 of this title 23.

(4) "Nonpublic institution" means an educational institution which receives no support from general fund moneys in support of its operating costs.

(5) "Professional degree in theology" means a certificate signifying a person's graduation from a degree program that is:

(a) Devotional in nature or designed to induce religious faith; and

(b) Offered by an institution as preparation for a career in the clergy.

23-3.5-103. Grant program authorized - administration. (1) The general assembly hereby authorizes the commission to establish a grant program for in-state students having financial need, to be administered in accordance with federal law and regulations and guidelines established by the commission.

(2) The commission shall determine, by guideline, the institutions of higher education eligible for participation in the grant program, and each eligible institution of higher education shall recommend in-state students to the commission for receipt of a grant.

(3) Grant program disbursements shall be handled by the institution of higher education, subject to audit and review as provided in section 23-3.5-104.

(4) Upon commencement of participation in the grant program, no participating institution of higher education shall decrease the amount of its own funds spent for student aid below the amount so spent prior to participation in the grant program.

(5) In determining the amount of a grant, the commission shall consider only that portion of an in-state student's financial need which would have existed were the nonpublic institution's tuition no greater than the highest in-state tuition rate charged by a comparable state institution of higher education.

23-3.5-103.5. Assistance to professional theology students prohibited. (1) The guidelines established by the commission pursuant to section 23-3.5-103 (1) shall include:

(a) A prohibition against the awarding of any financial assistance pursuant to this article to a student who is pursuing a professional degree in theology; except that the prohibition described in this section shall not apply to financial assistance that is awarded to a student from a federal program, including but not limited to Title IV of the federal "Higher Education Act of 1965", 20 U.S.C. sec. 1070, as amended; and

(b) A requirement that an institution or nonpublic institution of higher education that seeks to award financial assistance to a student pursuant to this article certify that the student is not pursuing a professional degree in theology.

23-3.5-104. Audit and review. The state auditor or his designee shall audit, in accordance with federal and commission guidelines, the grant program at any participating institution of higher education every other year to review residency determinations, needs analyses, awards, payment procedures, and such other practices as may be necessary to ensure that the grant program is being properly administered, but such audit shall be limited to the administration of the grant program at the participating institution of higher education. The state auditor may accept an audit of the program from an institution not supported in whole or in part by the general fund from the institution's independent auditor. The cost of conducting audits of the program at an institution not supported in whole or in part by the general fund shall be borne by the institution.

23-3.5-105. Determination of eligibility. (Repealed)

23-3.5-106. Determination of invalidity. A final judicial determination that this article is invalid as applied to any individual institution of higher education or student shall not operate to terminate any grant provided pursuant to this article to any other institution of higher education or student.

OFFICE OF LEGISLATIVE LEGAL SERVICES

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MEMORANDUM¹

TO: Statutory Revision Committee

FROM: Thomas Morris, Office of Legislative Legal Services

DATE: October 1, 2019

SUBJECT: Electrical inspection fees

Summary

Section 12-115-121 (1), C.R.S., specifies that the state electrical board shall set the fee that it charges for inspecting electrical work based on the actual expense of performing the inspection. But subsection (3) of that section provides for a doubling of the fee if an application for an electrical permit is not filed before starting the electrical work. Because subsection (1) does not mention the doubling of the fee authorized by subsection (3), subsection (1) should be amended by referring to the exception created by subsection (3).

This issue was brought to staff's attention by Jennifer Berman during her review of title 12, C.R.S., during the publication process.

Analysis

After electrical work has been performed, the work must be inspected pursuant to section 12-115-120, C.R.S. In some instances, the inspection is performed by inspectors

¹ This legal memorandum was prepared by the Office of Legislative Legal Services (OLLS) in the course of its statutory duty to provide staff assistance to the Statutory Revision Committee (SRC). It does not represent an official legal position of the OLLS, SRC, General Assembly, or the state of Colorado, and is not binding on the members of the SRC. This memorandum is intended for use in the legislative process and as information to assist the SRC in the performance of its legislative duties.

employed by the state electrical board. Pursuant to section 12-115-121 (1), C.R.S, the board sets an inspection fee based on the actual cost of performing the inspection:

12-115-121. Inspection fees. (1) As established pursuant to section 12-20-105, inspection fees shall be charged by the board and shall be set and categorized based upon the actual expense of inspecting each type of electrical installation.

Subsection (1) purports to be the final word on what the fee is for board inspections. But if a permit application has not been filed before commencement of the electrical work, the fee is doubled pursuant to section 12-115-121 (3), C.R.S:

12-115-121. Inspection fees. (3) If an application is not filed in advance of the commencement of an installation, the inspection fee shall be twice the amount of the inspection fee set by the board pursuant to subsection (1) of this section.

Statutory Charge²

Because section 12-115-121 (1), C.R.S., does not refer to the fee doubling exception created by section 12-115-121 (3), C.R.S., the reader of only subsection (1) is under the impression that the fee is based only on the cost of inspection, not whether a permit application has been timely filed. Subsection (1) is thus potentially contradictory to subsection (3), which brings this issue within the Statutory Revision Committee's statutory charge to "eliminate . . . contradictory rules of law."

Proposed Bill

The attached bill makes the following statutory change:

12-115-121. Inspection fees. (1) As established pursuant to section 12-20-105, inspection fees shall be charged by the board and shall be set and

² The Statutory Revision Committee is charged with "[making] an ongoing examination of the statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms" and recommending "legislation annually to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory rules of law and to bring the law of this state into harmony with modern conditions." § 2-3-902 (1), C.R.S. In addition, the Committee "shall propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes." § 2-3-902 (3), C.R.S.

categorized based upon the actual expense of inspecting each type of electrical installation, EXCEPT AS SPECIFIED IN SUBSECTION (3) OF THIS SECTION.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

DRAFT
9.27.19

DRAFT

LLS NO. 20-0415.01 Thomas Morris x4218

COMMITTEE BILL

Statutory Revision Committee

BILL TOPIC: "Clarify Double Electrical Inspection Fees If Late"

A BILL FOR AN ACT

101 **CONCERNING A CLARIFICATION THAT ELECTRICAL INSPECTION FEES**
102 **MAY BE DOUBLED IF AN APPLICATION FOR AN ELECTRICAL**
103 **PERMIT IS NOT FILED IN ADVANCE OF THE COMMENCEMENT OF**
104 **AN ELECTRICAL INSTALLATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Statutory Revision Committee. The bill clarifies that electrical inspection fees charged by the state electrical board, which are generally based on the actual expense of the inspection, may be doubled if an

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

application for an electrical permit is not filed in advance of the commencement of an electrical installation.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** The general assembly
3 declares that the purpose of this act is to clarify the bases for determining
4 electrical inspection fees. The general assembly further declares that the
5 addition of this clarifying language does not in any way alter the scope or
6 applicability of the statutory section involved.

7 **SECTION 2.** In Colorado Revised Statutes, 12-115-121, **amend**
8 (1) as follows:

9 **12-115-121. Inspection fees.** (1) As established pursuant to
10 section 12-20-105, inspection fees shall be charged by the board and shall
11 be set and categorized based upon the actual expense of inspecting each
12 type of electrical installation, EXCEPT AS SPECIFIED IN SUBSECTION (3) OF
13 THIS SECTION.

14 **SECTION 3. Act subject to petition - effective date -**
15 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
16 the expiration of the ninety-day period after final adjournment of the
17 general assembly (August 5, 2020, if adjournment sine die is on May 6,
18 2020); except that, if a referendum petition is filed pursuant to section 1
19 (3) of article V of the state constitution against this act or an item, section,
20 or part of this act within such period, then the act, item, section, or part
21 will not take effect unless approved by the people at the general election
22 to be held in November 2020 and, in such case, will take effect on the
23 date of the official declaration of the vote thereon by the governor.

- 1 (2) This act applies to conduct occurring on or after the applicable
2 effective date of this act.
3 <{*Do you want a safety clause or a specific effective date?*}>

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

DRAFT
8.19.19

DRAFT

LLS NO. 20-0121.01 Kristen Forrestal x4217

COMMITTEE BILL

Statutory Revision Committee

BILL TOPIC: "Statutory Revision Committee Annual Report"

A BILL FOR AN ACT

101 **CONCERNING A CHANGE IN THE DATE BY WHICH THE STATUTORY**
102 **REVISION COMMITTEE IS REQUIRED TO REPORT ANNUALLY TO**
103 **THE GENERAL ASSEMBLY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Statutory Revision Committee. Current law requires the statutory revision committee to report its findings and recommendations to the legislature on or before November 15 of each year. The bill requires the annual report to occur on or before July 1 of each year.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 2-3-902, **amend**
3 (1)(e) as follows:

4 **2-3-902. Duties of committee.** (1) The committee shall:

5 (e) Report its findings and recommendations on or before
6 ~~November 15~~ JULY 1 of each year to the legislature and, if it deems
7 advisable, attach to its report copies of any proposed bills intended to
8 carry out any of its recommendations.

9 **SECTION 2. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, or safety.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

DRAFT
8.19.19

DRAFT

LLS NO. 20-0122.01 Kristen Forrestal x4217

COMMITTEE BILL

Statutory Revision Committee

BILL TOPIC: "CDPHE Hospital License Requirements"

A BILL FOR AN ACT

101 **CONCERNING THE MANDATORY CONTENTS OF EACH LICENSE ISSUED TO**
102 **A HOSPITAL BY THE DEPARTMENT OF PUBLIC HEALTH AND**
103 **ENVIRONMENT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Statutory Revision Committee. The bill repeals language requiring each hospital license issued by the department of public health and environment to include the signature of the president of the state board of health (state board), the attestation of the secretary of the state board, and the state board's seal.

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** The general assembly
3 declares that the purpose of this act is to repeal obsolete statutory
4 provisions within the Colorado department of public health and
5 environment. The general assembly further declares that repealing these
6 statutory provisions does not alter the scope or applicability of the
7 remaining statutes.

8 **SECTION 2.** In Colorado Revised Statutes, 25-3-102, **amend**
9 (1)(d) as follows:

10 **25-3-102. License - application - issuance - certificate of**
11 **compliance required.** (1) (d) ~~The license shall be signed by the~~
12 ~~president and attested by the secretary of the state board of health and~~
13 ~~have the state board's seal affixed to the license.~~ The license expires one
14 year from the date of issuance.

15 **SECTION 3. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly (August
18 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
19 referendum petition is filed pursuant to section 1 (3) of article V of the
20 state constitution against this act or an item, section, or part of this act
21 within such period, then the act, item, section, or part will not take effect
22 unless approved by the people at the general election to be held in
23 November 2020 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

DRAFT
8.20.19

DRAFT

LLS NO. 20-0123.01 Kristen Forrestal x4217

COMMITTEE BILL

Statutory Revision Committee

BILL TOPIC: "Repeal CDPHE Youth Services Statutes"

A BILL FOR AN ACT

101 **CONCERNING CERTAIN CONFORMING AMENDMENTS NECESSITATED BY**
102 **THE TRANSFER OF CERTAIN PROGRAMS TO THE DEPARTMENT OF**
103 **HUMAN SERVICES FROM THE DEPARTMENT OF PUBLIC HEALTH**
104 **AND ENVIRONMENT PURSUANT TO HOUSE BILL 13-1117.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Statutory Revision Committee. In 2013, certain functions related to prevention, intervention, and treatment services for youth throughout the state (youth services) were transferred from the department of public health and environment (CDPHE) to the department of human services.

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

To conform with those changes, the bill repeals statutory language requiring the CDPHE to provide youth services.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. The general assembly declares that the purpose of this act is to repeal obsolete statutory provisions relating to the Colorado department of public health and environment. The general assembly further declares that repealing these statutory provisions does not alter the scope or applicability of the remaining statutes.

SECTION 2. In Colorado Revised Statutes, **repeal** 25-20.5-101 as follows:

25-20.5-101. Legislative declaration. ~~(1) The general assembly hereby finds that:~~

~~(a) The state operates or state agencies provide funding for a wide variety of prevention, intervention, and treatment programs designed to assist youth in achieving an education, in making informed choices about their health and well-being, in avoiding the juvenile and criminal justice systems, and, generally, in becoming healthy, law-abiding, contributing members of society;~~

~~(b) These prevention, intervention, and treatment programs are operated by or funded through several departments within the executive branch, and this high degree of decentralization often makes communications between and among these departments and programs difficult;~~

~~(c) There is some overlap among prevention, intervention, and treatment programs, sometimes resulting in the potentially inefficient use of state resources which may result in the provision of fewer services to~~

1 youth;

2 ~~(d) The dispersion of prevention, intervention, and treatment~~
3 ~~programs among state departments makes it difficult for both state~~
4 ~~employees and the public to determine what programs are available and~~
5 ~~what services are provided through prevention, intervention, and~~
6 ~~treatment programs that are operated by or funded through state agencies;~~

7 ~~(e) The term limitations placed on persons who serve in public~~
8 ~~office, including members of the general assembly, make it increasingly~~
9 ~~important that information concerning the existence, funding, and~~
10 ~~operation of prevention, intervention, and treatment programs for youth~~
11 ~~be readily accessible;~~

12 ~~(f) In the area of prevention, intervention, and treatment services,~~
13 ~~there is a critical need for local and state programs to overcome barriers~~
14 ~~and the categorical requirements of various funding sources in order to~~
15 ~~design and implement programs that provide a more comprehensive~~
16 ~~response to the needs of Colorado youth;~~

17 ~~(g) Research demonstrates that program coordination among~~
18 ~~multiple systems for the purpose of improving prevention, intervention,~~
19 ~~and treatment services results in significant positive outcomes;~~

20 ~~(h) A unified, coordinated response to community-based programs~~
21 ~~for the delivery of prevention, intervention, and treatment services has~~
22 ~~proven to be an effective and efficient state response to local programs~~
23 ~~and their needs.~~

24 ~~(2) The general assembly therefore finds that it is in the best~~
25 ~~interests of the youth and families of the state to create a single division~~
26 ~~in the department of public health and environment to operate prevention~~
27 ~~and intervention programs and to oversee the provision of prevention;~~

1 ~~intervention, and treatment services through federally and state-funded~~
2 ~~prevention, intervention, and treatment programs to ensure collaboration~~
3 ~~among programs and the availability of a continuum of services for youth.~~

4 **SECTION 3.** In Colorado Revised Statutes, 25-20.5-102, **amend**
5 the introductory portion; and **repeal** (6) as follows:

6 **25-20.5-102. Definitions.** As used in this ~~article~~ ARTICLE 20.5,
7 unless the context otherwise requires:

8 (6) ~~"State plan" means the state plan for delivery of prevention,~~
9 ~~intervention, and treatment services to youth throughout the state adopted~~
10 ~~by the division pursuant to section 25-20.5-105.~~

11 **SECTION 4.** In Colorado Revised Statutes, 25-20.5-104, **amend**
12 (1)(g); and **repeal** (1)(a) and (1)(b) as follows:

13 **25-20.5-104. Functions of division.** (1) The division has the
14 following functions:

15 (a) ~~On or before February 1, 2001, to submit to the executive~~
16 ~~director and to the governor for approval a state plan for delivery of~~
17 ~~prevention, intervention, and treatment services to youth throughout the~~
18 ~~state as provided in section 25-20.5-105, and to biennially review the state~~
19 ~~plan and submit revisions as provided by rule of the state board of health~~
20 ~~to the executive director and the governor for approval;~~

21 (b) ~~To identify performance indicators for prevention,~~
22 ~~intervention, and treatment programs based on the standards adopted by~~
23 ~~the state board of health pursuant to section 25-20.5-106 (2)(d), and to~~
24 ~~review, as provided in section 25-20.5-108, all prevention, intervention,~~
25 ~~and treatment programs operated by the division and by other state~~
26 ~~departments;~~

27 (g) To periodically review the federal funding guidelines for

1 federal prevention, intervention, and treatment programs and to seek the
2 maximum flexibility in the use of federal ~~moneys~~ MONEY in funding
3 prevention, intervention, and treatment programs; ~~provided through the~~
4 ~~state plan;~~

5 **SECTION 5.** In Colorado Revised Statutes, **repeal** 25-20.5-105
6 as follows:

7 **25-20.5-105. State plan for delivery of prevention,**
8 **intervention, and treatment services to youth - contents.** ~~(1) On or~~
9 ~~before February 1, 2001, the division shall submit to the governor and the~~
10 ~~executive director for approval a state plan for delivery of prevention,~~
11 ~~intervention, and treatment services to youth throughout the state. The~~
12 ~~state plan shall apply to all prevention, intervention, and treatment~~
13 ~~programs that receive state or federal funds and are operated within the~~
14 ~~state. The state plan shall be designed to coordinate and provide direction~~
15 ~~for the delivery of prevention, intervention, and treatment services~~
16 ~~through the various prevention and intervention programs operated by the~~
17 ~~division and the prevention, intervention, and treatment programs~~
18 ~~operated by other state departments and to ensure collaboration among~~
19 ~~programs that results in a continuum of services available to youth~~
20 ~~throughout the state. At a minimum, the state plan shall:~~

21 (a) ~~Target and prioritize community prevention, intervention, and~~
22 ~~treatment services needs throughout the state;~~

23 (b) ~~Specify the standards for and measurable outcomes anticipated~~
24 ~~to be achieved by prevention, intervention, and treatment programs that~~
25 ~~receive state and federal funds and the outcomes to be achieved through~~
26 ~~the coordination of said prevention, intervention, and treatment programs;~~

27 (c) ~~Identify all state- and community-based prevention,~~

1 ~~intervention, and treatment programs that are receiving state and federal~~
2 ~~funds during the fiscal years for which the plan is submitted and the~~
3 ~~schedule for review of said prevention, intervention, and treatment~~
4 ~~programs;~~

5 ~~(d) Identify the methods by which the division shall encourage~~
6 ~~collaboration at the local level among public and private entities,~~
7 ~~including but not limited to private for-profit and nonprofit providers and~~
8 ~~faith-based services providers, in providing prevention, intervention, and~~
9 ~~treatment services;~~

10 ~~(e) Include any other information required by rule of the state~~
11 ~~board of health.~~

12 ~~(2) The division shall biennially review and revise the state plan~~
13 ~~as necessary to ensure the most efficient and effective delivery of~~
14 ~~prevention, intervention, and treatment services throughout the state. The~~
15 ~~division shall submit any revised state plan as provided by rule of the~~
16 ~~state board of health to the governor and the executive director for~~
17 ~~approval.~~

18 ~~(3) In preparing the state plan and biennial revisions to the state~~
19 ~~plan, the division shall hold at least two public meetings to receive input~~
20 ~~from members of the public and from state agencies and entities operating~~
21 ~~prevention, intervention, and treatment programs.~~

22 ~~(4) On or before March 15, 2001, the governor and the executive~~
23 ~~director shall submit copies of the approved state plan to the general~~
24 ~~assembly, to each state department that operates a prevention,~~
25 ~~intervention, and treatment program, and to each entity that will receive~~
26 ~~state or federal funds for the operation of a prevention, intervention, and~~
27 ~~treatment program during the fiscal years for which the state plan is~~

1 prepared. The division shall provide copies of the approved state plan to
2 any person upon request. The governor and the executive director shall
3 submit copies of any approved revised state plans as provided by rule of
4 the state board of health.

5 **SECTION 6.** In Colorado Revised Statutes, **repeal** 25-20.5-106
6 as follows:

7 **25-20.5-106. State board of health - rules - program duties.**

8 ~~(1) The state board of health created in section 25-1-103 shall promulgate~~
9 ~~rules as necessary for the operation of the division, including but not~~
10 ~~limited to rules establishing the time frames for review of the state plan~~
11 ~~and submittal of any revised state plan to the governor and the executive~~
12 ~~director and to the entities specified in section 25-20.5-105 (4).~~

13 ~~(2) The state board of health also shall adopt rules for the uniform~~
14 ~~operation of federally and state-funded prevention, intervention, and~~
15 ~~treatment programs. In adopting such rules, the board shall take into~~
16 ~~account prevention, intervention, and treatment programs' need for~~
17 ~~responsiveness and flexibility and their need for procedures and standards~~
18 ~~that will ensure the provision of programs that meet a high standard of~~
19 ~~excellence. At a minimum such rules must include:~~

20 ~~(a) Standardized procedures for the operation of prevention,~~
21 ~~intervention, and treatment programs, including but not limited to:~~

22 ~~(I) The use of a system whereby entities may use a single~~
23 ~~application to seek funding from a variety of prevention, intervention, and~~
24 ~~treatment programs;~~

25 ~~(II) The use of uniform application forms promulgated by rule of~~
26 ~~the state board of health;~~

27 ~~(III) Uniform standards regarding the information to be submitted~~

1 ~~by entities applying for funding for community-based prevention,~~
2 ~~intervention, and treatment programs;~~

3 ~~(IV) Uniform application dates to the extent possible for all~~
4 ~~prevention, intervention, and treatment programs;~~

5 ~~(V) Uniform standards for selecting community-based prevention,~~
6 ~~intervention, and treatment programs that receive funding through state~~
7 ~~prevention, intervention, and treatment programs;~~

8 ~~(VI) Uniform monitoring and reporting forms, including rules to~~
9 ~~ensure that no prevention, intervention, and treatment program is required~~
10 ~~to submit more than one annual report;~~

11 ~~(VII) A standard database of service providers by location;~~

12 ~~(VIII) Internet access to each prevention, intervention, and~~
13 ~~treatment program;~~

14 ~~(IX) The ability to submit applications and report submissions~~
15 ~~through the internet; and~~

16 ~~(X) The use of contracts to combine multiple state and federal~~
17 ~~funding sources provided by or through various state agencies as a single~~
18 ~~funding grant to a prevention, intervention, and treatment program;~~

19 ~~(b) Uniform, minimum standards for prevention, intervention, and~~
20 ~~treatment programs, including but not limited to requirements that each~~
21 ~~prevention, intervention, and treatment program that receives state or~~
22 ~~federal funds:~~

23 ~~(i) Provide research-based prevention, intervention, and treatment~~
24 ~~services that have been previously implemented in one or more~~
25 ~~communities with demonstrated success or that otherwise demonstrate a~~
26 ~~reasonable potential for success; and~~

27 ~~(ii) Provide outcome-based prevention, intervention, and~~

- 1 ~~treatment services, specifying the outcomes to be achieved; and~~
- 2 ~~(III) Work collaboratively with other public and private~~
- 3 ~~prevention, intervention, and treatment programs in the community and~~
- 4 ~~with local governments, county, district, and municipal public health~~
- 5 ~~agencies, county departments of human or social services, and faith-based~~
- 6 ~~organizations in the community;~~
- 7 ~~(c) Uniform standards and procedures for reviewing state and~~
- 8 ~~local prevention, intervention, and treatment programs that receive state~~
- 9 ~~or federal funds;~~
- 10 ~~(d) Performance standards and measurable outcomes for state and~~
- 11 ~~local prevention, intervention, and treatment programs that receive state~~
- 12 ~~or federal funds;~~
- 13 ~~(e) Criteria for determining whether a program operated by a state~~
- 14 ~~agency constitutes a prevention, intervention, and treatment program;~~
- 15 ~~(f) A formula for calculating the amount forwarded to the division~~
- 16 ~~by each prevention, intervention, and treatment program to offset the~~
- 17 ~~costs incurred by the division in reviewing the programs.~~
- 18 ~~(3) The state board of health shall act as the program board for the~~
- 19 ~~oversight of the prevention and intervention programs operated by the~~
- 20 ~~division.~~
- 21 ~~(4) In addition to any other duties specified in law, the state board~~
- 22 ~~of health shall have the following duties:~~
- 23 ~~(a) Repealed.~~
- 24 ~~(b) To assist division personnel in working with communities and~~
- 25 ~~local elected officials to identify the communities' prevention,~~
- 26 ~~intervention, and treatment services needs;~~
- 27 ~~(c) To assist division personnel in reviewing the performance of~~

1 ~~prevention, intervention, and treatment programs created in this article.~~

2 **SECTION 7.** In Colorado Revised Statutes, **repeal** 25-20.5-107
3 as follows:

4 **25-20.5-107. Memoranda of understanding - duties of**
5 **executive director - program meetings.** ~~(1) The executive director shall~~
6 ~~enter into a memorandum of understanding, as described in subsection (2)~~
7 ~~of this section, with each state agency that operates a prevention,~~
8 ~~intervention, and treatment program, as identified by the division pursuant~~
9 ~~to criteria adopted by rule of the state board of health.~~

10 ~~(2) On or before July 1, 2001, each state agency that operates a~~
11 ~~prevention, intervention, and treatment program, as identified by the~~
12 ~~division based on criteria adopted by rule of the state board of health,~~
13 ~~shall enter into a memorandum of understanding with the executive~~
14 ~~director and the division through which, at a minimum, the state agency~~
15 ~~shall agree to:~~

16 ~~(a) Comply with the rules for the operation of prevention,~~
17 ~~intervention, and treatment programs adopted by the state board of health~~
18 ~~pursuant to section 25-20.5-106;~~

19 ~~(b) Upon receipt of a grant application, forward a copy of the~~
20 ~~application to other appropriate prevention, intervention, and treatment~~
21 ~~programs operated by state agencies for consideration and to collaborate~~
22 ~~in providing combined program grants to appropriate community-based~~
23 ~~prevention, intervention, and treatment programs;~~

24 ~~(c) Comply with the prevention, intervention, and treatment~~
25 ~~program reporting requirements specified in section 25-20.5-108, and to~~
26 ~~forward a percentage of the program operating funds, as determined by~~
27 ~~rule, to the division to offset the costs incurred in reviewing the program;~~

1 ~~(d) Seek such federal waivers as may be necessary to allow the~~
2 ~~agency to combine federal moneys available through various federal~~
3 ~~prevention, intervention, and treatment programs and to combine said~~
4 ~~moneys with moneys appropriated to fund state prevention, intervention,~~
5 ~~and treatment programs to allow the greatest flexibility in awarding~~
6 ~~combined program funding to community-based prevention, intervention,~~
7 ~~and treatment programs.~~

8 ~~(3) Any state agency that fails to enter into and comply with a~~
9 ~~memorandum of understanding as described in subsection (2) of this~~
10 ~~section shall be ineligible for state funding for operation of a prevention,~~
11 ~~intervention, and treatment program until such time as the agency enters~~
12 ~~into and complies with the memorandum of understanding.~~

13 ~~(4) The governor is strongly encouraged to deny federal funding~~
14 ~~for prevention, intervention, and treatment programs to any state agency~~
15 ~~that fails to enter into and comply with a memorandum of understanding~~
16 ~~as described in subsection (2) of this section.~~

17 ~~(5) Beginning July 1, 2001, the office of legislative legal services~~
18 ~~shall annually review all bills enacted during a regular or special~~
19 ~~legislative session and identify any bills that appear to create a~~
20 ~~prevention, intervention, and treatment program in a state agency other~~
21 ~~than the division. The office of legislative legal services shall notify the~~
22 ~~division in writing of the enactment of such bill. Upon receipt of such~~
23 ~~notice, the division shall determine whether the identified program meets~~
24 ~~the criteria for a prevention, intervention, and treatment program adopted~~
25 ~~by rule of the state board of health. If the division determines based on~~
26 ~~such criteria that the program is a prevention, intervention, and treatment~~
27 ~~program, it shall notify in writing the state agency in which the program~~

1 is created of the requirements of this section.

2 ~~(6)(a) The executive director shall meet at least annually with the~~
3 ~~governor, or his or her designee, and with the executive directors~~
4 ~~specified in paragraph (b) of this subsection (6) to review the activities~~
5 ~~and progress of the division and its interaction with the prevention,~~
6 ~~intervention, and treatment programs provided by other state agencies.~~
7 ~~The purpose of the meetings shall be to identify and streamline the~~
8 ~~prevention, intervention, and treatment programs operated by state~~
9 ~~agencies, as appropriate to achieve greater efficiencies and effectiveness~~
10 ~~for the state, for local communities, and for persons receiving services.~~

11 ~~(b) The following executive directors shall attend the meetings~~
12 ~~required under this subsection (6):~~

13 ~~(I) (Deleted by amendment, L. 2002, p. 222, § 2, effective April~~
14 ~~3, 2002.)~~

15 ~~(II) The commissioner of education;~~

16 ~~(III) and (IV) (Deleted by amendment, L. 2002, p. 222, § 2,~~
17 ~~effective April 3, 2002.)~~

18 ~~(V) The executive director of the department of human services;~~

19 ~~(VI) and (VII) (Deleted by amendment, L. 2002, p. 222, § 2,~~
20 ~~effective April 3, 2002.)~~

21 ~~(VIII) The executive director of the department of public safety;~~

22 and

23 ~~(IX) The executive director of the department of transportation.~~

24 **SECTION 8.** In Colorado Revised Statutes, **repeal** 25-20.5-108
25 as follows:

26 **25-20.5-108. Prevention, intervention, and treatment program**
27 **requirements - reports - reviews - annual review summary.** ~~(1) Each~~

1 ~~state agency that operates a prevention, intervention, and treatment~~
2 ~~program, as identified by the division based on criteria adopted by rule of~~
3 ~~the state board of health, annually shall submit to the division the~~
4 ~~following information:~~

5 ~~(a) The name of, statutory authority for, and funding source for~~
6 ~~each prevention, intervention, and treatment program operated by the~~
7 ~~state agency;~~

8 ~~(b) The parameters of each prevention, intervention, and treatment~~
9 ~~program, including but not limited to the specific, measurable outcomes~~
10 ~~to be achieved by each prevention, intervention, and treatment program;~~

11 ~~(c) The entities that are receiving funding through each~~
12 ~~prevention, intervention, and treatment program operated by the state~~
13 ~~agency, the amount awarded to each entity, and a description of the~~
14 ~~population served and prevention, intervention, and treatment services~~
15 ~~provided by each entity.~~

16 ~~(2) (a) Except as otherwise provided in paragraph (b) of this~~
17 ~~subsection (2), each state agency using state or federal moneys to fund~~
18 ~~local prevention and intervention programs shall submit an annual report~~
19 ~~concerning these programs to the division. The state board of health by~~
20 ~~rule shall specify the time frames, procedures, and form for submittal of~~
21 ~~the report and the information to be included in the report, which at a~~
22 ~~minimum shall include:~~

23 ~~(I) A description of the prevention, intervention, and treatment~~
24 ~~program, including but not limited to the population served, the~~
25 ~~prevention, intervention, and treatment services provided, and the goals~~
26 ~~and specific, measurable outcomes to be achieved by the prevention,~~
27 ~~intervention, and treatment program;~~

1 ~~(II) Evidence of the prevention, intervention, and treatment~~
2 ~~program's progress in meeting its stated outcomes and goals during the~~
3 ~~preceding fiscal year and in previous fiscal years, depending on how long~~
4 ~~the prevention, intervention, and treatment program has been in~~
5 ~~operation;~~

6 ~~(III) The sources from which the prevention, intervention, and~~
7 ~~treatment program receives funding and the amount received from each~~
8 ~~source;~~

9 ~~(IV) A list of any entities that are collaborating in the delivery of~~
10 ~~prevention, intervention, and treatment services through the program.~~

11 ~~(b) If a community-based prevention, intervention, and treatment~~
12 ~~program is required to submit an annual report that is comparable to the~~
13 ~~report described in paragraph (a) of this subsection (2) to a state agency~~
14 ~~other than the division, the state agency, in lieu of submittal of a report by~~
15 ~~the prevention, intervention, and treatment program as required in~~
16 ~~paragraph (a) of this subsection (2), shall forward a copy of the~~
17 ~~comparable report to the division in accordance with rules adopted by the~~
18 ~~state board of health. If a forwarded report does not include all of the~~
19 ~~information specified in paragraph (a) of this subsection (2), the division~~
20 ~~shall obtain such information directly from the community-based~~
21 ~~prevention, intervention, and treatment program.~~

22 ~~(3)(a) The division, in accordance with the time frames adopted~~
23 ~~by rule of the state board of health, but at least every four years, shall~~
24 ~~review, or cause to be reviewed under a contract entered into pursuant to~~
25 ~~subsection (5) of this section, each state and community-based~~
26 ~~prevention, intervention, and treatment program operated within this state~~
27 ~~that receives state or federal funds. The division may establish a schedule~~

1 ~~for the review of prevention, intervention, and treatment programs~~
2 ~~pursuant to this subsection (3). The review shall be designed to determine~~
3 ~~whether the prevention, intervention, and treatment program is meeting~~
4 ~~its identified goals and outcomes and complying with all requirements of~~
5 ~~the agency overseeing the operation of the prevention, intervention, and~~
6 ~~treatment program and the applicable rules adopted by the state board of~~
7 ~~health pursuant to this article.~~

8 ~~(b) If the division determines that a community-based prevention,~~
9 ~~intervention, and treatment program is not meeting or making adequate~~
10 ~~progress toward meeting the outcomes specified for the program or is~~
11 ~~otherwise failing to comply with statutory or regulatory requirements, the~~
12 ~~division shall revoke the grant issued to the program, if it was issued by~~
13 ~~the division, or recommend revocation to the state agency that issued the~~
14 ~~grant. The entity operating any program for which the grant is revoked~~
15 ~~may appeal as provided in the "State Administrative Procedure Act",~~
16 ~~article 4 of title 24, C.R.S.~~

17 ~~(c) If the division determines that a state-operated prevention,~~
18 ~~intervention, and treatment program is not meeting or making adequate~~
19 ~~progress toward meeting the outcomes specified for the prevention,~~
20 ~~intervention, and treatment program or is otherwise failing to comply with~~
21 ~~statutory or regulatory requirements, the division shall recommend to the~~
22 ~~governor or to the general assembly, whichever is appropriate, that the~~
23 ~~prevention, intervention, and treatment program cease receiving state or~~
24 ~~federal funding.~~

25 ~~(4) The division shall receive a percentage, as determined by rule,~~
26 ~~of the operating cost of each state prevention, intervention, and treatment~~
27 ~~program reviewed pursuant to this section to offset the costs incurred by~~

1 the division in performing such review.

2 (5) ~~The division may contract with one or more public or private~~
3 ~~entities to conduct the reviews of prevention, intervention, and treatment~~
4 ~~programs and assist in preparing the annual executive summary report as~~
5 ~~required in this section.~~

6 (6) ~~The division shall annually prepare or oversee the preparation~~
7 ~~of an executive summary of the prevention, intervention, and treatment~~
8 ~~program reviews conducted during the preceding year and submit such~~
9 ~~summary to the governor, to each state department that operates a~~
10 ~~prevention, intervention, and treatment program, and to each entity that~~
11 ~~received state or federal funds for operation of a prevention, intervention,~~
12 ~~and treatment program during the fiscal year for which the summary is~~
13 ~~prepared. In addition, the division shall provide copies of the summary to~~
14 ~~any person upon request.~~

15 **SECTION 9.** In Colorado Revised Statutes, **repeal** 25-20.5-109
16 as follows:

17 **25-20.5-109. Programs not included.** ~~(1) Notwithstanding any~~
18 ~~other provisions of this article 20.5 to the contrary, the following~~
19 ~~programs are not subject to the requirements of this article 20.5:~~

20 (a) ~~Any juvenile programs operated by the division of youth~~
21 ~~services in the department of human services;~~

22 (b) ~~Any program operated for juveniles in connection with the~~
23 ~~state judicial system;~~

24 (c) ~~Any program pertaining to out-of-home placement of children~~
25 ~~pursuant to title 19, C.R.S.~~

26 **SECTION 10. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August
2 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
3 referendum petition is filed pursuant to section 1 (3) of article V of the
4 state constitution against this act or an item, section, or part of this act
5 within such period, then the act, item, section, or part will not take effect
6 unless approved by the people at the general election to be held in
7 November 2020 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.